

DEC 14 2005

GREENBLUM & BERNSTEIN, P.L.C.

FAX MSG. No. P24002.F08

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FACSIMILE COVER SHEET

TOTAL NUMBER OF PAGES, INCLUDING THIS COVER PAGE: 3

CALLED FAX NO. : 571-273-8300

TO : U.S. Patent and Trademark Office
Group Art Unit 3765 - Attn: Examiner Gloria HALE

FROM : Greenblum & Bernstein, P.L.C.
James L. Rowland, Reg. No. 32,674

DATE : December 14, 2005

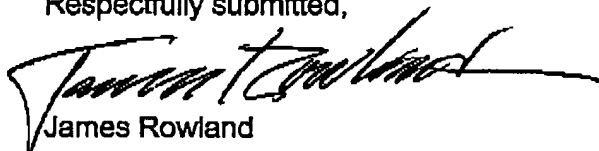
SUBJECT : U.S. Pat. Appln No. 10/634,780, filed August 6, 2005
Attorney Docket No. P24002

Examiner Hale:

Accompanying this cover sheet is a two-page paper entitled "Request for Withdrawal of Premature Final Rejection."

Thank you for your consideration.

Respectfully submitted,



James Rowland

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DEC 14 2005

U.S. Patent Application No. 10/634,780
P24002.A09 (S 1077/US)

PATENT APPLICATION
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants	: Aurélie CHAIX et al.)	
)	Group Art Unit 3765
Appln. No.	: 10/634,780)	
)	Examiner Gloria HALE
Docket No.	: P24002)	
)	Confirmation No. 7632
Customer No.	: 07055)	
)	
Filed	: August 6, 2003)	
)	
Title	: GARMENT HAVING PROTECTION)	
	FOR THE BUST)	

REQUEST FOR WITHDRAWAL OF PREMATURE FINAL REJECTION

U.S. Patent and Trademark Office
Customer Service Window, Mail Stop AF
Randolph Building
401 Dulany Street
Alexandria, VA 22314

Sir:

Pursuant to the guidelines presented in the Manual of Patent Examining Procedure (MPEP), Section 706.07(d), Applicants kindly request that the final rejection issued on September 14, 2005 be withdrawn as being premature. Applicants' reasons are as follows.

Page 5, lines 9-12 of the immediately preceding Office action, *i.e.*, the Office action of March 11, 2005, explains that

Claims 4 and 18 [are] objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including the limitations of the base claim and any intervening claims. Claims 4 and 18 claim a hydrophilic treatment, which is not disclosed by the cited references.

U.S. Patent Application No. 10/634,780
P24002.A09 (S 1077/US)

In their reply filed on May 26, 2005, Applicants amended independent claims 1 and 10 by incorporating therein the subject matter of allowable claims 4 and 18, respectively.

On page 2 of the final Office action of September 14, 2005, independent claims 1 and 10, *inter alia*, are rejected under 35 USC §112, first paragraph, for failing to comply with the enablement requirement. Specifically, the rejection provides that "[I]n regard to the 'hydrophilic treatment' it is not clear as to what the treatment encompasses."

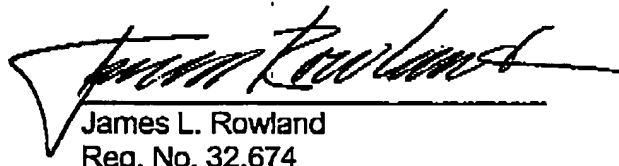
Further, on page 3 of the final Office action, claims 1 and 10 are rejected under 35 USC §112, second paragraph, based upon the same reasoning.

MPEP §706.07(a), entitled "Final Rejection, When Proper on Section Action," explains that "second or any subsequent actions on the merits shall be final, except where the examiner introduces a new ground of rejection that is neither necessitated by applicant's amendment of the claims nor based on information submitted in an information disclosure statement"

Because Applicants' amendment of claims 1 and 10 was made merely for the purpose of placing claims 1 and 10 in condition for allowance consistent with the Examiner's determination in the Office action of March 11, 2005 regarding the Allowability of claims 4 and 18, which recited the aforementioned hydrophilic treatment, the new grounds of rejection, viz., the rejections under §112, were not necessitated by Applicants' amendment and, therefore, the final rejection was premature.

Any comments or questions concerning this application can be directed to the undersigned at the telephone or fax number given below.

Respectfully submitted,
Aur lie CHAIX et al.



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December 14, 2005
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